

**MEDICAL EXAMINING BOARD
MINUTES
MAY 17, 2006**

PRESENT: Drs. Alfred Franger; Sujatha Kailas; Jack Lockhart; Daniel Miota; Suresh Misra; Ian Munro; Gene Musser; Sandra Osborn, Bhupinder Saini; and Virginia Heinemann and Martha Vukelich-Austin

ABSENT: Dr. Lief Erickson

STAFF: Tom Ryan, Bureau Director; Colleen Baird, Legal Counsel; PJ Monson, Bureau Assistant; and other DRL staff

GUESTS: Mark Grapentine, Wisconsin Medical Society; Mark Dalebroux; Della Copp; Dick Faust, PA-C, Council on Physician Assistants; Jane C. Petersen, CPM, and Katie Proun, Wisconsin Guild of Midwives; Tony Driessen, Quarles & Brady, LLP

CALL TO ORDER

Bhupinder Saini called the meeting to order at 8:04 a.m. There was a quorum of nine members present.

Dr. Saini introduced and welcomed new Board member Suresh Misra, MD.

Sujatha Kailas and Daniel Miota joined the meeting.

APPROVAL OF AGENDA

Additions to Agenda:

- Item “D” – Medical Screening Form
- Between “G&H” – Outreach Planning outline
- Between “G&H” – Draft letter from Dr. Franger to Mark Stachota, General Manager, WTMJ-TV
- Item “H” – Sample of the Board member Per Diem report and Travel Voucher
- Between “J&K” – Consider probable cause in complaint case #03 MED 310 and 03 MED 311
- Item “O” – email from Kenneth Sparr to DOE
- Item “O” – John H. Randall, MD, correspondence to the Medical Examining Board
- After Item “O” – Consulting with Legal Counsel – Court of Appeals decision in Shirley Godiwalla, MD v. State of Wisconsin Medical Examining Board
- After Item “O” - DOE case status reports

MOTION: Sandra Osborn moved, seconded by Martha Vukelich Austin, to approve the agenda with amendments. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 19, 2006

Amendments to minutes

- Minor punctuation corrections.

MOTION: Suresh Misra moved, seconded by Alfred Franger, to approve the April 19, 2006 minutes as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

Carl Zenz, MD

Attorney Michael Berndt presented the Proposed Stipulation, Final Decision and Order in the matter of Carl Zenz, MD.

ADMINISTRATIVE REPORT

Set Screening and Examination Panels for July to December, 2006

Examinations

July – Lockhart, Franger, Kailas, Munro
August – Osborn, Lockhart, Munro, Saini
September – Lockhart, Musser, Kailas, Saini
October – Misra, Lockhart, Osborn, Musser
November – Lockhart, Musser, Kailas, Miota
December – Lockhart, Munro, Kailas, Musser

Screening

July – Franger, Munro, Heinemann
August – Heinemann, Osborn, Munro
September – Lockhart, Osborn, Heinemann
October – Heinemann, Kailas, Miota
November – Lockhart, Heinemann, Osborn
December – Heinemann, Osborn, Musser

Mileage rate change

The mileage rate has changed to \$.425 per mile. Sample travel voucher and per diem forms were distributed.

SCREENING PANEL REPORT

Martha Vukelich-Austin stated 38 screening cases were reviewed; 11 cases were opened, 26 were not opened, 2 flags were issued and 1-10 day letter was issued.

SUMMARY REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Colleen Baird addressed the Board with the current status of the disciplinary cases. The Board discussed the criminal background check rule and requested the Department bring additional information to the next meeting.

CLARIFICATION OF ISSUES REGARDING THE INTERIM PHARMACEUTICAL STOCKPILE – BOARD RESPONSE

Tom Ryan explained the pharmaceutical stockpile document and suggested the Board discuss and respond to Department of Health and Family Services. The Board answered the questions raised by Dennis J. Tomczyk, Director of Hospital Disaster Preparedness for the Wisconsin Division of Public Health, and a response will be mailed by the Department.

THE USE OF TYPEWRITTEN “ELECTRONIC SIGNATURES” ON HARD COPY PRESCRIPTION ORDERS PROVIDED TO PATIENTS TO DELIVER TO A PHARMACY FOR DISPENSING

Tom Ryan explained the electronic signature document that has been submitted by the Pharmacy Examining Board. The Board will address this issue at a future meeting when Pharmacy legal counsel can attend.

STATUS OF PROCEEDINGS RELATING TO MEDICARE’S OPT-OUT PROVISION

Dennis Schuh addressed the Board regarding the Medicare Opt-Out provision and announced his re-assignment as the Administrator for the Division of Enforcement.

REVIEW OF 2005 WISCONSIN ACT 292 JANE PETERSON, WISCONSIN GUILD OF MIDWIVES DRS. FREDRIK BROEKHUIZEN AND EVAN SAUNDERS

Deputy Secretary Barbara Wyatt Sibley addressed the Board and spoke on behalf of Secretary Jackson emphasizing the Department’s interest in continued dialogue between the State Boards, the department and the citizens of Wisconsin.

Jane Peterson, Wisconsin Guild of Midwives, addressed the Board with an outline of Act 292 and the rising number of people wishing to give birth outside a hospital setting. Ms.

Peterson stated that midwives are required to pass a national examination to become a certified midwife and is in support of Act 292.

Fredrik Broekhuizen, MD, is not against out-of-hospital births but does feel there are concerns with the bill as it pertains to the education of midwives.

Evan Saunders, MD, addressed the Board and suggested the MEB create guidelines and requirements for the Wisconsin licensed physicians that would oversee midwifery practice, including documentation and emergency planning.

FSMB ANNUAL MEETING REPORT

Colleen Baird expressed her satisfaction with this year's FSMB annual meeting and recommended continued Board attendance in the future.

AMERICAN ACADEMY OF FAMILY PHYSICIANS (AAFP) PRESCRIBED CREDITS – BOARD REVIEW FOR APPROVAL OF EQUIVALENCY TO AMERICAN MEDICAL ASSOCIATION PRA CATEGORY I CREDITS

Darwin Tichenor addressed the Board with information on the AMA continuing education (CE) credits. His research has confirmed that the AAFP courses are equivalent to AMA CE and the Board will accept these courses for licensure renewal requirements.

COUNCIL ON PHYSICIAN ASSISTANT'S MOTION TO INVITE MEB PARTICIPATION - DISCUSSION

Dick Faust, Council on Physician Assistants, requested a Medical Examining Board member become a PA Council member or attend council meetings as a guest. He also briefed the Board on issues before the Council.

BOARD FUNCTIONS – PLAN FOR OUTREACH AND COMMUNICATIONS

Deputy Secretary Barbara Wyatt-Sibley joined the Board for discussion on the outreach plan. The Board discussed options for developing public outreach materials and some possible target audiences. An Outreach Committee was formed and will consist of Sujatha Kailas, Sandra Osborn and Bhupinder Saini.

DESIGNATION OF MEDIA SPOKESPERSON

The Board decided by consensus that the Board Chair or his designee will be the media spokesperson for the Medical Examining Board.

APPOINTMENT OF IMPAIRMENT PROGRAM REVIEW COMMITTEE

The Board decided to appoint an Evaluation Committee to review Board functions. Its first task is to review impairment cases and procedures. The Evaluation Committee will consist of Gene Musser, Daniel Miota and Suresh Misra.

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Sujatha Kailas moved, seconded by Alfred Franger, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Motion carried by roll call vote: Alfred Franger-yes; Virginia Heinemann-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Daniel Miota-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; Bhupinder Saini-yes, and Martha Vukelich-Austin-yes

Open Session recessed at 11:20 a.m.

RECONVENE TO OPEN SESSION

MOTION: Virginia Heinemann moved, seconded by Alfred Franger, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 1:35 a.m.

DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

CARL ZENZ, MD

MOTION: Gene Musser moved, seconded by Jack Lockhart, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Carl Zenz, MD. Motion carried unanimously.

DELIBERATION OF PROPOSED COMPLAINT

03 MED 265

MOTION: Sujatha Kailas moved, seconded by Virginia Heinemann, in favor of a finding of probable cause to issue a complaint in the matter of case # 03 Med 265. Motion carried unanimously. Daniel Miota abstained.

03 MED 310 AND 03 MED 311

MOTION: Jack Lockhart moved, seconded by Daniel Miota, in favor of a finding of probable cause to issue a complaint in the matter of cases 03 Med 310 and 03 MED 311. Motion carried unanimously.

FULL BOARD ORAL EXAMINATIONS

MICHAEL HUSAK, MD

Michael Husak, MD, appeared before the Board to answer questions and provided a hand-out to the board.

MOTION: Sandra Osborn moved, seconded by Alfred Franger, to require a psychological evaluation for Michael Husak, MD. Motion carried unanimously.

BRIAN D. KANTER, MD

Brian D. Kanter, MD, appeared before the Board to answer questions.

MOTION: Daniel Miota moved, seconded by Alfred Franger, to request additional information regarding fitness to practice from his most recent employer and current psychiatrist. The Board liaison will evaluate the documents and the license will be issued if he is found to be fit to practice. Motion carried unanimously.

DOE MONITORING

DAVID MATTHEWS, MD

REQUESTING EDUCATION EXTENSION AND REINSTATEMENT

MOTION: Daniel Miota moved, seconded by Alfred Franger, to reject the request for education extension and full reinstatement of license

due to insufficient grounds for extension and reinstatement for David Matthews, MD. Motion carried unanimously.

**KENNETH SPARR, MD
REQUESTING THREE MONTH STAY**

MOTION: Daniel Miota moved, seconded by Ian Munro, to grant the three month stay for Kenneth Sparr, MD. Motion carried unanimously.

**JOHN FERRIS, MD
POSSIBLE VIOLATION OF BOARD ORDER**

MOTION: Virginia Heinemann moved, seconded by Daniel Miota, to revoke the stay for John Ferris, MD. Motion carried unanimously.

**JOHN RANDALL, MD
POSSIBLE VIOLATION OF BOARD ORDER**

John Randall, MD, appeared before to answer questions and provided a hand-out to the Board.

MOTION: Daniel Miota moved, seconded by Virginia Heinemann, to suspend the license of John Randall, MD, for violation of the Board order. Ian Munro left the room for deliberations and did not vote.

DOE CASE CLOSINGS

MOTION: Daniel Miota moved, seconded by Ian Munro, to close case 05 MED 224 for no violation. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Virginia Heinemann, to close case 03 MED 423 for prosecutorial discretion (P2). Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Ian Munro, to close case 04 MED 404 for prosecutorial discretion (P2). Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Ian Munro, to close case 05 MED 471 against all three respondents for no violation. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Alfred Franger, to close case 05 MED 414 for prosecutorial discretion (P7). Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Ian Munro, to close case 05 MED 263 for insufficient evidence. Motion carried unanimously.

MOTION: Virginia Heinemann moved, seconded by Suresh Misra, to close case 03 MED 409 for prosecutorial discretion (P2). Motion carried unanimously.

(Sujatha Kailas left the meeting)

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED
SESSION IF VOTING IS APPROPRIATE**

MOTION: Martha Vukelich-Austin moved, seconded by Sandra Osborn, to reaffirm all motions made during closed session. Motion carried unanimously.

EXAM SCORES

MOTION: Alfred Franger moved, seconded by Ian Munro, to accept the exam scores as of today's date. Motion carried unanimously.

ADJOURNMENT

MOTION: Alfred Franger moved, seconded by Daniel Miota, to adjourn the meeting at 1:36 p.m. Motion carried unanimously.